

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13666 of George Washington University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to continue the use of a parking lot for faculty and staff in an R-5-C District at the premises 2300 H Street, N.W., (Square 42, Lot 840).

Application No. 13667 of George Washington University, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.46 to continue the use of parking lots as University uses in an R-5-C District at the premises 2003-20011 and 2027-2033 H Street, N.W., (Square 101, Lots 844 and 850).

HEARING DATE: February 10, 1982

DECISION DATE: March 3, 1982

FINDINGS OF FACT:

1. The subject applications are consolidated by the Board for the purposes of this order since both lots are owned and operated by George Washington University under the approved campus plan, many of the facts regarding both cases are the same, and both were heard and disposed of at the same time.

2. The property subject to Application No. 13666 is located at the southwest corner of the intersection of 23rd and H Streets, N.W. and is known as premises 2300 H Street, N.W. It is zoned R-5-C. The subject property provides parking for ten vehicles for faculty, staff and students of George Washington University.

3. The property subject to Application No. 13667 is located in an R-5-C District on the north side of H Street and is comprised of two lots known as premises 2003-11 and 2027-2033 H Street, N.W. The property at 2003-20011 H Street provides parking for fifty-nine vehicles for faculty, staff and students of the University. The lot was originally advertised as lot 844. It has been resubdivided and is now known as lot 60. The property at 2027-2033 H Street, lot 850, provides fourteen spaces used for large maintenance and service vehicles owned by the University.

4. The property subject to both these applications is located within the boundaries of the approved George Washington University campus plan.

5. The use of the property subject to Application No. 13666 was last approved by the Board pursuant to BZA Order No. 12780. The use of the property subject to Application No. 13667 was last approved by the Board pursuant to BZA Order No. 12781. Both orders were dated January 30, 1979 and approved the uses for a period of three years. The Board allowed the use of the lots to include maintenance and service vehicles up to one and one-half tons in weight, recreational vehicles and pick-up trucks of students, faculty and staff provided they are no larger than the size of normal parking spaces.

6. The applicant proposes to continue the use of these lots as previously authorized.

7. The University's approved Campus Master Plan requires the provision of 2,700 to 3,000 parking spaces. At the present time, 2,812 spaces are available including those in the subject applications.

8. The campus plan as approved in 1971 recognized the future impact of a Metro subway system that was not in operation at that time. The Board restricted the maximum number of parking spaces to a level considerably below that normally required by the Zoning Regulations.

9. The facilities and operation of the University on its main campus have been increased and intensified, in accordance with the approved plan, without any overall increase in the number of parking spaces.

10. Between 24,000 and 25,000 people are served by the University's parking spaces on a daily basis. Further, the University is not a typical 9:00 A.M. to 5:00 P.M., five days a week operation, with many work shifts and class hours beginning before or ending after public transportation is widely available.

11. The University has followed policies designed to discourage automobile commuting and to encourage use of mass transit, by not subsidizing parking for employees, students, or faculty, by participating in the Board of Trade and COG commuter club and by maintaining an active car pool locator service.

12. The applicant has received no complaints resulting from the operation of these lots.

13. The lots are maintained on a regular basis.

14. By memorandum dated February 3, 1982, the Department of Transportation indicated that it had no objection to the continued operation of the subject lots.

15. Advisory Neighborhood Commission 2A, by Resolution dated February 2, 1982, opposed the granting of this application because there is adequate public transportation available in the area, the present level of parking available to the University exceeds the approved range, and there are University vehicles parking in areas not included in the University's inventory and in areas not approved. An ANC Commissioner submitted photos evidencing trucks parked on the lots in excess of 1½ tons and the existence of a trash compactor and a storage shed on the property involved in the subject applications.

16. Geoffrey Stamm, Commissioner for ANC 2A04 testified at the public hearing that the ANC would be willing to withdraw its opposition to the subject lots subject to the following conditions:

- A. The University obtains whatever formal approvals and/or permits are necessary to park trucks over 1-1/2 tons, to maintain a storage shed, and to operate a permanently-installed heavy trash compactor at the location.
- B. The University adds to its parking inventory those areas that are actually in regular use for truck parking, specifically the four spaces in Square 75, behind Rice Hall and adjacent to the plant shop, and the four spaces in Square 79, adjacent to the physical plant.

A resolution modifying the ANC's position dated March 2, 1982 was received for the record on March 8, 1982.

17. The Board addressed the issue of the campus parking supply in Finding of Fact No. 7. The issue of mass transit availability is addressed in Findings of Fact No. 8 and 11. As to the concern over unauthorized parking and uses, the Board concurs with the conditions recommended by the ANC, and will so condition approval of the applications.

18. There was no further opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Upon consideration of the above findings of fact and the evidence of record, the Board concludes that the applicant is seeking special exceptions, the granting of which requires the applicant to demonstrate compliance with the requirements of Paragraph 3101.46 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied.

The Board concludes that the continuation of the subject parking lots is consistent with the approved campus plan for the University as being within the range established by the plan. The Board further concludes that the use has not been and is not likely to become objectionable because of noise traffic or number of users of the lot. The Board concludes that the proposed use is a valid university function and may be permitted under the Zoning Regulations. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled as evidenced in the conditions imposed on the continued use of these parking lots by the University.

Accordingly it is hereby ORDERED that the subject applications are GRANTED subject to the following conditions:

(a) Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificates of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.

(b) The University shall add to its parking inventory those areas that are actually in regular use for truck parking, specifically the four spaces in Square 75 behind Rice Hall and adjacent to the plant shop and the four spaces in Square 79 adjacent to the physical plant, as shown on Exhibit Numbers 29D and 29E of the record in BZA No. 13666.

(c) The University may park trucks over one and one-half tons in weight, may maintain a storage shed, and may operate a permanently installed heavy trash compactor at the location as shown on Exhibit No. 33A of the record in BZA No. 13667.

(d) Maintenance and service vehicles up to 1½ tons in weight, recreational vehicles and pick-up trucks of students, faculty and staff, provided they are no larger than the normal size of parking spaces (9' x 19') shall be permitted to park on the subject property.

(e) All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.

(f) Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

(g) No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.

(h) All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

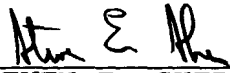
(i) No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

(j) Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune, Douglas J. Patton and Charles R. Norris to GRANT)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: JUL - 6 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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HEARING DATE: February 10, 1982

DECISION DATE: March 3, 1982

DISPOSITION: The application was granted with conditions by a vote of 5-0 (Walter B. Lewis, William F. McIntosh, Connie Fortune, Douglas J. Patton and Charles R. Norris to GRANT).

FINAL DATE OF ORDER: July 6, 1982

ORDER

The subject application was granted by the Board subject to ten conditions. Condition (c) of the Order provides that "The University may park trucks over one and one-half tons in weight, may maintain a storage shed, and may operate a permanently installed heavy trash compactor at the location as shown on Exhibit No. 33A of the record in BZA No. 13667." Exhibit. No. 33A shows a storage shed measuring ten by forty feet on the southeast portion of the parking lot.

By letter dated September 7, 1982, the applicant requested a modification of plans to permit a change in the size of the storage building. The request was based upon the applicant's desire to re-use an existing temporary building that must be relocated due to construction of the Law Center Complex on another portion of the campus. The modified plans show the dimensions of the structure to be twenty by thirty-six feet and further reflect a minor revision in the parking layout to accommodate the structure. Advisory Neighborhood Commission 2A, by letter dated September 9, 1982, supported the proposed modifications.

Upon reviewing the modified plans, marked as Exhibit No. 37B of the record, the Board concludes that the proposed modifications to the parking layout in plans previously approved by the Board are minor deviations designed to

accommodate the different dimensions of the proposed storage structure. The Board concludes that there is no reduction in the number of parking spaces approved by the Board in the order of July 6, 1982. The Board further concludes that the plans marked as Exhibit No. 37B of the record are in accord with the Board's prior approval and are not objectionable to the Advisory Neighborhood Commission.

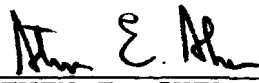
It is therefore ORDERED that the proposed modification of plans is APPROVED, and the layout and use of the lot should be as reflected in Exhibit No. 37B of the record. In all other respects, the Order of the Board dated July 6, 1982 shall remain in full force and effect.

DECISION DATE: October 6, 1982

Vote: 4-0 (William F. McIntosh, Douglas J. Patton, Connie Fortune and Charles R., Norris to APPROVE MODIFICATION; Walter B. Lewis not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: OCT 26 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."